

MEMO ENDORSED

By ECF

Hon. Barbara Moses
United States Magistrate Judge
Southern District of New York
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New York, New York 10007

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Frank.jordan@kennedyslaw.com

August 21, 2023

Re: *Exist, Inc. v. Tokio Marine America Insurance Company*
Case No.: 1:22-cv-01679

Dear Judge Moses,

Our office represents Defendant Tokio Marine America Insurance Company (“Tokio Marine” or “Defendant”) and I write with the consent of counsel for Plaintiff Exist Inc. (“Exist” or “Plaintiff”, together with Defendant, the “Parties”) pursuant to Your Honor’s Individual Practices in Civil Cases, Rules 1(b) and 2(a) to request an adjournment of the currently scheduled August 30, 2023, 11:00 a.m. pre-motion conference (Dkt. No. 42) to September 1, 2023 or any of September 5, 6 or 7, 2023. I have consulted with counsel for Plaintiff and they have consented to this request for an adjournment.

There is currently a pre-motion conference scheduled for August 30, 2023, at 11:00 a.m. (Dkt. No. 42). The pre-motion conference was scheduled for August 29, 2023, but due to a conflict in the Court's calendar, the Court adjourned the conference to August 30, 2023. This is the parties second request for an adjournment this conference (which was previously arranged on consent due to the parties various scheduling conflicts, Dkt. No. 39). Counsel for Defendant has oral argument in Richmond County Supreme Court on August 30, 2023 at 11:00 am.

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August 21, 2023

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Both parties consent to this adjournment and request that the conference be moved to September 1, 2023 or any of September 5, 6 or 7, 2023. This request for an adjournment does not affect any other scheduled dates.

We thank the Court for its consideration.

Respectfully submitted,

Frank Jordan

Frank Jordan
Partner
for Kennedys

cc: Counsel of Record (via ECF)

Application GRANTED. The conference scheduled for August 30, 2023 is hereby ADJOURNED to **September 6, 2023** at **11:00 a.m.** SO ORDERED.



Barbara Moses
United States Magistrate Judge
August 21, 2023